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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,568	10/29/1998	STEVEN B KAUFMAN	KAUFMAN13	1057

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,568

Applicant(s)

KAUFMAN, STEVEN B

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,19,20,22-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,19,20,22-30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the final action is withdrawn.

Claim Objections

2. **Claim 1** is objected to because of the following informalities: line 2 "relevant to a locality to a plurality of localities". The examiner is not clear as to the applicant is referring to a locality or plurality of localities. Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 19 and 30** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding **claims 1, 19 and 30**, line 13 "based only", the applicant claims downloading a real-time audio representation of the information based only on call

related information are inadequate to make or use the claimed invention since one of the ordinary skill in the art will understand that it takes more than the call related information for downloading the real-time audio representation of the information from the server.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1, 3, 5-9, 19-20, 22-28, 30 and 32-37** are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman, Jr. et al. (US 5,390,237).

Regarding **claim 1**, Hoffman discloses a server adapted to provide broadcast information relevant to a locality (column 1, lines 6-12), the server comprising:

a processor within the server (column 5, lines 21-37) [The local interface unit 2 is the processor for the local data source 1 server];

a call related information and broadcast information stream relevant to a locality lookup table within the server accessible by the processor and associating call related information entries with respective broadcast information streams relevant to a locality (column 6, lines 4-14) [The local interface unit 2 access the lookup table of the local

data source 1 to associate the call information with the audio signal from the National Oceanic and Atmospheric Administration Weather Radio Broadcast to the telephone circuit for transmission to the calling party];

a plurality of stored broadcast information streams of current news relevant to a locality (column 4, lines 10-34) [The local interface unit 2 couples audio signals from the NOAA Weather Radio broadcast onto the tip/ring conductors of a telephone line]; and

wherein the processor is adapted to identify a specific one of the plurality of stored broadcast information streams relevant to a locality for downloading a real-time audible representation of the one of the plurality of stored broadcast information streams relevant to a locality to a caller based on call related information received with respect to an incoming call (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast on the location desired and the audio stream is located based on the area code enters by the caller and deliver to the caller by the local unit interface 2 among the multiples audio signal on the local data source 1].

Regarding **claim 3**, Hoffman discloses a telephone line interface in communication with the processor (column 4, lines 35-53).

Regarding **claim 5**, Hoffman discloses an audio player adapted to play the specific one of the plurality of stored broadcast information streams relevant to a locality through the telephone line interface (column 7, lines 9-35).

Regarding **claim 6**, Hoffman discloses the call related information is at least a portion of a telephone number (column 7, lines 9-35).

Regarding **claims 7 and 22**, Hoffman discloses the portion of the telephone number includes an area code (column 7, lines 9-35).

Regarding **claims 8 and 23**, Hoffman discloses the portion of the telephone number includes an exchange number (column 7, lines 9-35).

Regarding **claims 9 and 25**, Hoffman discloses the portion of the telephone number includes an area code and an exchange number (column 7, lines 9-35).

Regarding **claims 19 and 30**, Hoffman discloses a method of selecting a broadcast information stream relevant to a locality (column 1, lines 6-12), comprising:
receiving call related information relating to a calling party by a server (column 5, lines 21-37) [The local interface unit 2 receives the call related information of the calling party];

determining a desired one of a plurality of broadcast information streams of current news relevant to a locality for downloading to the calling party based on the call related information by server (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast on the location desired]; and

downloading a real-time audible representation of the desired one of the plurality of broadcast information streams relevant to a locality to the calling party based on the call related information (column 7, lines 9-35) [The central interface unit 4 answers the call and transmits a recorded message with instructions to the caller to enter an area code for the location desired to be able to listing the broadcast and the audio stream is located based on the area code enters by the caller and delivers to the caller by the local unit interface 2 among the multiples audio signal on the local data source 1].

Riskin fails to disclose the information downloaded by a server.

However, Reilly teaches the information downloaded by a server (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the information server that stored within a server, a plurality of news stories and sports of Reilly in the LDC database computer of Riskin.

The modification of the invention would offer the capability of the information server that stored within a server, a plurality of news stories and sports such as the information server would update a database of information items.

Regarding **claim 20**, Hoffman discloses the steps of receiving, determining, and downloading, are performed without intervention by a user (column 7, lines 9-35).

Regarding **claim 26**, Hoffman discloses the step of determining is performed using a look up table (column 7, lines 9-35).

Regarding **claim 27**, Hoffman discloses audibly playing the desired one of the plurality of broadcast information streams relevant to a locality (column 7, lines 9-35).

Regarding **claim 28**, Hoffman discloses digitally transmitting over a telephone line the desired one of the plurality of broadcast information streams relevant to a locality (column 7, lines 9-35).

Regarding **claims 32-34**, Hoffman discloses the broadcast information stream relevant to a locality includes weather forecast information (column 7, lines 9-35).

Regarding **claim 24**, Hoffman discloses the call related information is Caller ID information (column 7, lines 9-35).

Regarding **claims 35-37**, Hoffman teaches the broadcast information is weather forecast information (column 7, lines 9-35).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Reilly et al. (US 5,740,549).

Regarding **claim 4**, Hoffman as applied to **claim 1** differs from **claim 4** in that it fails to disclose a modem in communication with the processor.

However, Reilly teaches a modem in communication with the processor (column 4, lines 23-38).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the modem in communication with the processor as taught by Reilly.

This modification of the invention would offer the capability of a modem in communication with the processor such as the information server would update a database of information items.

9. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Fellingham et al. (US 6,442,244).

Regarding **claim 29**, Hoffman as applied to **claim 19** differs from **claim 29** in that it fails to disclose storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party.

However, Fellingham teaches storing the downloaded desired one of the plurality of broadcast information streams relevant to a locality in a voice messaging system associated with the calling party (column 4, lines 14-19).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Hoffman using the voice messaging system associated with the calling party as taught by Fellingham.

This modification of the invention would offer the capability of a voice messaging system associated with the calling party so that the calling party would get the information an other time.

Response to Arguments

10. Applicant's arguments with respect to **claims 1, 3-9, 19-20, 22-30 and 32-37** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

g.g.

December 13, 2004


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